

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY, JUNE 23, 2004  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: JANET DUNN  
DINO F. BUCCI, JR.  
KENNETH MEERSCHAERT, JR.  
CHARLES OLIVER

ABSENT: NONE

Also in attendance: Larry Dloski, Township Attorney  
Jerome R. Schmeiser, Community Planning Consultant  
James Van Tiflin, Spalding DeDecker Associates, Inc.  
James Gelios, Deputy Clerk  
(Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items (*with any corrections*)

**MOTION by DUNN seconded by BUCCI to approve the amended agenda.**

**MOTION carried.**

3. Approval of Bills

**MOTION by OLIVER seconded by MALBURG to approve both bill runs as submitted.**

**MOTION carried.**

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4. Approval of the previous meeting minutes of June 9, 2004

**MOTION by MALBURG seconded by OLIVER to approve the previous meeting minutes of June 9, 2004.**

**MOTION carried.**

*Addition:*

- 4a. Approval of the Budget Hearing Meeting Minutes; June 16, 2004

**MOTION by KOEHS seconded by DUNN to approve the Budget Hearing Meeting Minutes of June 16, 2004.**

**MOTION carried.**

5. CONSENT AGENDA ITEMS:

A. Bond Returns & Releases

Wall Sign Bond Return; South Beach Tanning  
Model Bond Returns; Hidden Meadows; Lot 1 & 23

*Removed:* Landscape Bond Return; Hidden Meadows

- B. Department Monthly Reports  
Macomb County Sheriffs Department  
Building Department  
Fire Department  
Water/Sewer Department  
Parks and Recreation Department

C. Easement Encroachments

Easement Encroachment Agreement, Ralph B. & Loralie H. Johnston,  
15701 Mulberry Drive, Macomb, MI 48042, Lot 16 Bayberry Place  
Subdivision # 1. Permanent Parcel No. 08-07-326-009.

D. Model Permits

Sec. 4 Strathmore Subdivision Lots: 74, 75, 76, 77

**MOTION by DUNN seconded by BUCCI to approve the consent agenda items as submitted.**

**MOTION carried.** *Please Note: the Landscape Bond Return; Hidden Meadows is not part of this approval.*

6. Public Comments (Non Agenda items only - 3 minute time limit) None

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**PLANNING COMMISSION:**

7. Rezoning Request; Commercial Local (C-1) to Commercial General (C-2);  
Located on the southeast corner of 25 Mile Road and Garfield Road; Sal  
DiMercurio, Petitioner. Permanent Parcel No. 08-08-101-050 &003

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill Thompson of Lehner & Associates representing the petitioner Salvatore DiMercurio who was present in the audience.

Public Portion: None.

**MOTION by OLIVER seconded by BUCCI to approve the request to rezone the property from Commercial Local (C-1) to Commercial General (C-2); Permanent Parcel No. 08-08-101-050 &003.**

**MOTION carried.**

8. Preliminary Plan Review; Macomb Town Center; Located west of Broughton Road extending from 24 Mile Road to 25 Mile Road; MLA Properties LLC., Petitioner. Permanent Parcel No. 08-09-400-015.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Greg Windingland, petitioner representative.

Public Portion: Mark Grabow, a Township resident, addressed his concerns regarding road improvements, traffic concerns, the Township Master Plan, and the development process for Macomb Town Center.

Supervisor BRENNAN, Larry Dloski, Township Attorney, and Jerome R. Schmeiser, Community Planning Consultant addressed Mr. Grabow's concerns.

**MOTION by DUNN seconded by BUCCI to approve the Preliminary Plan Review; Macomb Town Center; Permanent Parcel No. 08-09-400-015.**

**MOTION carried.**

9. Request to Create an Industrial Development District; P.R Enterprises, Petitioner. Permanent Parcel No. 08-17-300-002

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*Removed from the agenda.*

10. Final Preliminary Plat; Turnberry Pointe Subdivision; Located approximately 430' west of Romeo Plank Road and approximately 300' south of 22 Mile Road; H & R Investments, Petitioner. Permanent Parcel No. 08-29-226-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Christopher Cousino, petitioner representative.

Public Portion: None

**MOTION by DUNN seconded by OLIVER to approve the Final Preliminary Plat; Turnberry Pointe Subdivision; Permanent Parcel No. 08-29-226-021.**

**MOTION carried.**

11. Tentative Preliminary Plat; Woodview Subdivision; Located approximately ½ mile north of future 22 Mile Road and approximately ½ mile east of North Avenue; Fairchild Investments, Petitioner. Permanent Parcel No. 08-24-251-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: James Michael, petitioner representative.

Public Portion: None

**MOTION by OLIVER seconded by BUCCI to approve the Tentative Preliminary Plat; Woodview Subdivision; Permanent Parcel No. 08-24-251-002.**

**MOTION carried.**

12. Tentative Preliminary Plat; Brookewoods Subdivision; Located on the north side of 25 Mile Road approximately ¼ mile west of Broughton Road; Elro Corporation., Petitioner. Permanent Parcel No. 08-04-400-029.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: Daniel S. Spatfora of Elro Corporation

Petitioner Present: None

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Clerk KOEHS stated “When we were at the Planning Commission Meeting; June 15, 2004 there was some discussion regarding the cement concrete turn-around driveways for the three lots that face and will actually load on 25 Mile Road. Are you going to include a provision for those turn-around driveway in the covenants and restrictions?” Mr. Spatafora stated, “To the extend that we can legally as long as it complies with all the Township Ordinances as far as concrete and setbacks go what we planned on including the three driveways as described.”

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Tentative Preliminary Plat; Brookewoods Subdivision; Permanent Parcel No. 08-04-400-029.**

**MOTION carried.**

13. Tentative Preliminary Plat; Battaglia Subdivision; Located on the east side of North Avenue approximately 1341. 22’ north of Hall Road; Dominic Battaglia, Petitioner. Permanent Parcel No. 08-36-303-024

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval and reviewed that the petitioner will have to receive a variance to vary the required 20’ landscape greenbelt.

The Members of the Board discussed with Larry Dloski, Township Attorney the possibility of approving this request conditioned on approval of the variance to address the issue with the landscape greenbelt. Mr. Dloski stated this request can be approved with the condition discussed.

Petitioner Present: Bill Thompson of Lehner & Associates, petitioner representative.

Public Portion: None

**MOTION by OLIVER seconded by KOEHS to approve the Tentative Preliminary Plat; Battaglia Subdivision; Permanent Parcel No. 08-36-303-024, subject to review and approval of a land division variance application to vary the required 20’ landscape greenbelt to 18’ in depth by the Planning Commission Board and Township Board of Trustees.**

**MOTION carried.**

14. Final Preliminary Plat; Beaufait Farms Subdivision #4; Located approximately 1/3 mile east of Card Road & approximately ½ mile north of Hall Road; David Weber, Petitioner. Permanent Parcel No. 08-35-100-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

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Petitioner Present: Not present

Public Portion: None

**MOTION by DUNN seconded by BUCCI to approve the Final Preliminary Plat;  
Beaufait Farms Subdivision #4; Permanent Parcel No. 08-35-100-011.**

**MOTION carried.**

15. Final Preliminary Plat; The Bluffs of Beaufait Farms Subdivision #2; Located approximately ¼ mile east of North Avenue approximately ½ mile north of Hall Road; David Weber, Petitioner. Permanent Parcel No. 08-35-401-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Not present

Public Portion: None

**MOTION by OLVIER seconded by MALBURG to approve Final Preliminary Plat;  
The Bluffs of Beaufait Farms Subdivision #2; Permanent Parcel No. 08-35-401-004.**

**MOTION carried.**

**NEW BUSINESS:**

16. First Centrum Senior Housing Proposal (*Tabled from the meeting of June 9, 2004*).

Supervisor BRENNAN briefly reviewed First Centrum a corporation that specializes in senior housing developments.

Bob Solomon, First Centrum President, reviewed the history of the corporation and described the type of senior housing development they would like to propose in the Township in Section 9.

The Members of the Board held further discussion.

Public Portion: None

**MOTION by DUNN seconded by KOEHS to authorize the survey and appraisal of  
the property described and to authorize the Township Attorney and Township**

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**Supervisor to negotiate with the developer on a Tax Exempt Ordinance and  
Municipal Service Agreement. (Part of) Permanent Parcel No. 08-09-200-003.**

**MOTION carried.**

17. Adopt Fiscal Year 2004-2005 Budget

Supervisor Brennan reviewed the General Appropriation Act and opened the item up to the Board and to the audience for questions. Further, the Law Enforcement Fund includes the additional sergeant position and motor carrier enforcement deputy position.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to adopt the Annual Budget for  
2004-2005 fiscal year as follows:**

#### **GENERAL APPROPRIATIONS ACT**

**An Act to provide for the adoption of a budget proposed by the Township Supervisor containing estimates of proposed revenues, expenditures, and to provide for the levy of taxes for the fiscal year beginning July 1, 2004 and ending June 30, 2005 in accordance with Michigan Public Act 621 of 1978.**

***Be it resolved* by the Board of Trustees, Township of Macomb, County of Macomb, State of Michigan.**

**Section 1. That for the expenses of Township Government and its activities for the fiscal year, beginning July 1, 2003 and ending June 30, 2004 the following Sections are hereby appropriated:**

**Section 2. That for the said fiscal year there is hereby appropriated out of the General Fund \$9,421,806.00**

**Section 3. That for the said fiscal year there is hereby appropriated out of the Municipal Street Fund \$2,001,000.00**

**Section 4. That for the said fiscal year there is hereby appropriated out of the Fire Fund-**

**Operations Fund \$2,882,374.00**

**Improvement Fund \$ 802,000.00**

**Section 5. That for the said fiscal year there is hereby appropriated out of the Parks / Recreation Fund \$3,197,547.00**

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**Section 6.** That for the said fiscal year there is hereby appropriated out of the Law Enforcement Fund \$2,519,700.00

**Section 7.** That for the said fiscal year there is hereby appropriated out of the Building Authority Construction Fund \$4,560,500.00

**Section 8.** That for the said fiscal year there is hereby appropriated out of the Fire Retirement Systems Fund \$34,065.00

**Section 9.** That for the said fiscal year there is hereby appropriated out of the Noxious Weed Fund \$5,800.00

**Section 10.** Those amounts budgeted for specific items or purposes and not required to be utilized for such items and purposes may be rebudgeted by the Township Supervisor for other items and purposes within the same funds for which such allocation was originally made.

**Section 11.** The information summary with respect to the Water and Sewer Funds, are not subject to the budgetary process, is incorporated herein for purposes of information and reference.

**Adopted this 23<sup>th</sup> day of June 2004.**

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**John D. Brennan, Macomb Township Supervisor**

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**Attested, Michael D. Koehs, Macomb Township Clerk**

**FOR THIS MOTION: Michael D. Koehs, Marie M. Malburg, Charlie Oliver, Dino F. Bucci, Jr., Kenneth Meerschaert, Jr., Janet Dunn, John D. Brennan.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

**OLD BUSINESS:**

18. Liquor License Transfer; Vegas Bar and Grill. Section 32.

*Removed from the agenda*



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19. Extension of Time; Brook Run Subdivision; Construction Access Road  
GTR Builders, Inc., Petitioner. Section 21.

Supervisor BRENNAN reviewed the request.

Petitioner Present: Christopher Cousino, petitioner representative.

Public Portion: None

**MOTION by DUNN seconded by OLIVER to approve the Extension of Time;  
Brook Run Subdivision; Construction Access Road for a time period of 90 days  
beginning June 24, 2004. Section 21.**

**MOTION carried.**

**FIRE DEPARTMENT:**

20. Request Approval to Purchase Fire Prevention Materials

Raymond Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the request to purchase  
Fire Prevention Materials for the total amount of Two Thousand Thirty dollars and  
00/100 (\$2,030.00) plus shipping.**

**MOTION carried.**

21. Request Approval to Renew Dictaphone Maintenance Contract.

Raymond Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

**MOTION by MALBURG seconded by BUCCI to approve the request to renew the  
Dictaphone Maintenance Contract for the total amount of Three Thousand Five  
Hundred Fifty Eight dollars and 14/100 (\$3,558.14).**

**MOTION carried.**

**PARKS AND RECREATION:**

22. Request Approval of Custodial Contract; Macomb Township Recreation Center.

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Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

Larry Dloski, Township Attorney, stated that he has reviewed the documents and suggests the Board condition their motion on the following revisions to the contract: First a Third Party Fidelity Bond is included which would protect the Township in the event that there is a loss or a theft at the Recreation Center that may be attributable to personnel employed by the cleaning company. Second that a provision be made to specify the rates for the additional charges during holidays, that they (Road Runr) have the right to adjust the contract. And last that a clear provision be added so that the Township has the right to terminate the contract within sixty (60) days if the Township doesn't like the adjustment to the contract.

Public Portion: None

**MOTION by DUNN seconded by BUCCI to follow Mr. DiCaro's recommendation to hire Road Runr; Custodial Contract; Macomb Township Recreation Center for the total amount of Sixty Two Thousand dollars and 00/100 (\$62,000.00) per year. Subject to the recommendation of Larry Dloski, Township Attorney, to add the following: a third party fidelity bond, the provision for additional changes for formal holidays to be negotiated and the right of the Township to terminate the contract in sixty (60) days should they (Road Runr) change their rate.**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

23. Request to Post Assistant Superintendent Position

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the request under the provisions of the AFSCME 1917 Management Contract to post this position for Assistant Superintendent for the Water and Sewer Department.**

**MOTION carried.**

Mr. Koss reviewed the 2003 Water Connection package which was mailed out to Township residents including information regarding state regulations and commonly asked questions and concerns.

**BOARD COMMENTS:**

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24. Supervisor Comments:

24a. Award of Bids; Fire Station No. 3 & 4

Supervisor BRENNAN reviewed the request.

Public Portion: None

**MOTION by KOEHS seconded by OLIVER to follow the advice and recommendation of the architect (CDPA) and award the bids for Fire Station Number 3 and 4 to Premacon Incorporated based upon their combined base proposal plus acceptance of alternates numbers 1 & 2 for a total contract sum of Four Million Three Hundred Fourteen Thousand dollars and 00/100 (\$4,314,000.00) and authorizing (CDPA) to proceed with the formation of the contract.**

**FOR THIS MOTION: KOEHS, OLIVER, MEERSCHAERT, BUCCI, DUNN, MALBURG, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

*Addition:*

24b. Request for a Leave of Absence; Marcia Magyar

Supervisor BRENNAN reviewed the written leave of absence request submitted by Marcia Magyar, Deputy Assessor.

Public Portion: None

**MOTION by DUNN seconded by MALBURG to approve the Leave of Absence request for Marcia Magyar from July 6, 2004 through July 9, 2004 including the pay for July 5, 2004.**

**MOTION carried.**

*Addition:*

24c. Township Community Recreation Center Employee Membership Fees

*This item was reviewed after Executive Session.*

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25. Clerk Comments:

Clerk KOEHS reminded the Board and audience that the last day to register to vote is July 6, 2004.

26. Treasurer Comments: None

27. Trustees Comments: None

**MOTION by BUCCI seconded by KOEHS to adjourn into Executive Session at 8:07 p.m.**

**MOTION carried.**

The Board reconvened at 9:27 p.m.

**EXECUTIVE SESSION:**

*Addition:*

24c. Township Community Recreation Center Employee Membership Fees

Supervisor BRENNAN reviewed the request.

Clerk KOEHS addressed his concerns regarding employee fees being the same as residents, believing this item should be negotiated in employee contracts.

Supervisor BRENNAN and Larry Dloski, Township Attorney, discussed the contractual issue.

Trustee MEERSCHAERT suggested that all Township Employees receive an additional 10% off the rates proposed.

Trustee BUCCI asked if this policy could be changed if it gets out of control. Trustee BUCCI also felt if the employees were going to get a discount it should be done without changing the labor contract. He then stated, "I don't think we should open the bargaining contract for the items discussed."

Public Portion: John Brogowicz, Human Resource Director, suggested that the Township employees receive 10% off the rate received based on their residency and that information should not be put into the collective bargaining agreement.

Trustee DUNN stated that she believes the current rates are reasonable.

Trustee MEERSCHAERT and OLIVER had concerns as to employee family rates.

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Supervisor BRENNAN stated "Anyone can join, employee family members will receive the regular rates based on their residency."

**MOTION by DUNN seconded by OLIVER to approve that the Full-Time Township Employees pay the residential rate Twenty Five Dollars and 00/100 (\$25.00) regardless of their residency, Seasonal or Part-Time Employees pay the residential rate or non-residential rate depending upon where they live. In addition, the 90 day provision will be waived for all Township employees who reside outside of the Township.**

**FOR THIS MOTION: DUNN, OLIVER, BUCCI, MALBURG, BRENNAN.**

**OPPOSED: MEERSCHAERT, KOEHS**

**MOTION carried.**

28. Ronald Michaels vs. Township of Macomb

**MOTION by DUNN seconded by BUCCI to authorize legal counsel to enter into consent judgment; Ronald Michaels vs. Township of Macomb based on the letter submitted.**

**FOR THIS MOTION: DUNN, BUCCI, MEERSCHAERT, OLIVER, MALBURG, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**MOTION carried.**

29. Grand Sakwa vs. Township of Macomb

*No action taken. Informational only*

*Addition:*

30. Two (2) Letter's of understanding MAFF

**MOTION by DUNN seconded by OLIVER to execute the two (2) letter's of understanding MAFF**

**MOTION carried.**

*Addition:*

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31. M-59 / Fairchild, LLC v Township

Supervisor BRENNAN stated the negotiations will continue on that matter. The Township Attorney Larry Dloski has been authorized to do so and will come back with something in the future regarding the proposal.

No action taken.

**ADJOURNMENT:**

**MOTION by MEERSCHAERT seconded by OLIVER to adjourn this meeting at 9:47 p.m.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk  
Gabrielle M. Baker, Recording Secretary  
MDK/gmb